

HOUSE BILL 701

Unofficial Copy
C2

2004 Regular Session
(4r1765)

ENROLLED BILL

-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Owings, Brown, and Fulton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Business Occupations and Professions - Real Estate Brokers - Use of ~~Trade~~**
3 **Designated Name**

4 FOR the purpose of prohibiting licensed real estate brokers from advertising unless
5 certain requirements relating to the inclusion of certain information in the
6 advertisement are met; requiring licensed real estate brokers to include certain
7 information on certain advertising; authorizing licensed real estate brokers to
8 provide real estate brokerage services under certain circumstances; authorizing
9 licensed real estate brokers to add a ~~trade designated~~ name on a license
10 certificate and pocket card under certain circumstances; ~~defining certain terms~~
11 altering certain definitions and certain terminology; and generally relating to
12 real estate brokers.

13 BY repealing and reenacting, with amendments,
14 Article - Business Occupations and Professions
15 Section 17-527.2 and 17-527.3
16 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Business Occupations and Professions**

5 17-527.2.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) "Advertise" means the use of any oral, written, or visual
8 advertisement by a licensed real estate salesperson, LICENSED REAL ESTATE
9 BROKER, licensed associate real estate broker, or other person on behalf of a licensed
10 real estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or
11 licensed associate real estate broker.

12 (3) (i) "Advertisement" means, unless the context requires otherwise,
13 any oral, written, or printed media advertisement.

14 (ii) "Advertisement" includes any correspondence, mailing,
15 newsletter, brochure, business card, for sale or for lease sign and sign rider,
16 promotional item, automobile signage, telephone directory listing, television
17 announcement, radio announcement, telephone solicitation, and World Wide Web and
18 Internet voice-overs.

19 (4) (i) "~~Trade~~ DESIGNATED name" means the individual name of a
20 licensed real estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER,
21 or licensed associate real estate broker other than the licensed real estate
22 [salesperson's] SALESPERSON'S, LICENSED REAL ESTATE BROKER'S, or licensed
23 associate real estate broker's full legal name.

24 (ii) "~~Trade~~ DESIGNATED name" includes a first name, nickname, or
25 last name.

26 (b) A licensed real estate [salesperson] SALESPERSON, LICENSED REAL
27 ESTATE BROKER, or licensed associate real estate broker may not advertise unless:

28 (1) the name or ~~trade~~ DESIGNATED name of the licensed real estate
29 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
30 real estate broker, as the name or ~~trade~~ DESIGNATED name appears on the license
31 certificate and pocket card issued by the Commission, is meaningfully and
32 conspicuously included in the advertisement; and

33 (2) the name of the business with which the licensed real estate
34 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
35 real estate broker is affiliated:

36 (i) is meaningfully and conspicuously included in the
37 advertisement; AND

1 (ii) on or before October 1, 2004, is displayed in a size that is at
2 least as large as the size of the name or trade DESIGNATED name of the licensed real
3 estate [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed
4 associate real estate broker; and

5 (iii) ~~(II)~~ is the full name of the business and not a logo used by the
6 business.

7 17-527.3.

8 (a) A licensed real estate [salesperson] SALESPERSON, LICENSED REAL
9 ESTATE BROKER, or licensed associate real estate broker may provide real estate
10 brokerage services under a ~~trade~~ DESIGNATED name that has been approved by the
11 Commission.

12 (b) Subject to the approval of the Commission, a licensed real estate
13 [salesperson] SALESPERSON, LICENSED REAL ESTATE BROKER, or licensed associate
14 real estate broker may add a ~~trade~~ DESIGNATED name on a license certificate and
15 pocket card if the licensee submits to the Commission:

16 (1) an application on the form that the Commission provides;

17 (2) the license certificate and pocket card of the licensee;

18 (3) any documentation about the ~~trade~~ DESIGNATED name that the
19 Commission requires; and

20 (4) a fee of \$5.

21 (c) The full legal name of the licensee and the approved ~~trade~~ DESIGNATED
22 name shall be displayed on the new license certificate and pocket card.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2004.